



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.590 of 2021

S.Thiyagarajan

... Revision Petitioner/Petitioner/
Owner of the vehicle

Vs.

1.The State through
The Inspector of Police,
Kamuthi Police Station.
(Cr.No.107 of 2021)

2.The Tahsildar,
Taluk Office,
Kamudhi.

3.The Revenue Divisional Officer,
Paramakudi.

4.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.

...Respondents/Respondents/
Complainants

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned ''Condition Nos.3 and 6'' made in the order passed in Cr.M.P.No.1116 of 2021 on the file of the Principal Sessions Judge of Ramanathapuram, dated 05.08.2021 by allowing the Criminal Revision Petition.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.RMS.Sethuraman
Counsel for State Government
(Crl.side)

O R D E R

This petition has been filed to modify the ''condition Nos.3 and 6'' imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1116 of 2021, dated 05.08.2021.

2.The petitioner claims to be the owner of the Lorry bearing Registration No.TN-28-L-6547. On 02.03.2021, the respondent police
<https://hcservices.ecourts.gov.in/hcservices/>



intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit. The respondent police registered a case in Crime No.107 of 2021 under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.1116 of 2021 for release of the Lorry and the learned judge has allowed the petition filed by the petitioner by its order dated 05.08.2021, by imposing the 3rd condition to the effect that the petitioner was directed to remit a sum of Rs.1,25,000/- as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority, Ramanathapuram, who shall receive the said amount as 'Environmental Fund' and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in **CRP (NPD) No.1643 of 2010, dated 20.06.2018 D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others.** Further, the petitioner should produce the receipt for the remit of the same from the concerned Authority at the time of furnishing security before the trial Court and the 6th condition to the effect that the petitioner was directed to produce the original R.C. Book at the time of furnishing sureties. Challenging the conditions imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The only grievance of the petitioner is that the 3rd and 6th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1116 of 2021, dated 05.08.2021 is modified in respect of the 3rd and 6th conditions are alone and in the 3rd condition it is modified to the effect that the petitioner was directed to remit a sum of Rs.50,000/- (Rupees Fifty thousand only) as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority, Ramanathapuram, who shall receive the said amount as 'Environmental Fund' and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in **CRP (NPD) No.1643 of 2010, dated 20.06.2018 D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others.** Further, the petitioner should produce the receipt for the remit of the same from the concerned Authority at the time of furnishing security before the trial Court and in the 6th condition is modified to the effect that the petitioner is directed to produce the



attested copy of the R.C.Book obtained from the financier at the time of furnishing sureties. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Kamuthi Police Station.
- 3.The Tahsildar,
Taluk Office,Kamudhi.
- 4.The Revenue Divisional Officer,
Paramakudi.
- 5.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 6.The District Legal Services Authority,
Ramanathapuram.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-28300[F] dated 06/09/2021)

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02.09.2021